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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/667,651	09/23/2003	Toshimitsu Tetsui	243028US0DIV	9115	
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ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER	
			1793		
			NOTIFICATION DATE	DELIVERY MODE	
			04/23/2008	EL ECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com oblonpat@oblon.com jgardner@oblon.com

Advisory Action Before the Filing of an Appeal Brief

Application No.		Applicant(s)		
	10/667,651	TETSUI ET AL.		
	Examiner	Art Unit		
	Janelle Morillo	1793		

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 11 acril 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replication (PR) and amendment, affidavit, or other evidence, which places the application in condition for allowence (2) a Notice of Appeal (vih appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a considerable of the provider of the property opines 4 months from the mailing date of the final rejection. The period for reply expires 4 months from the mailing date of the final rejection. Examiner Note: I flox 1 is checked, check either tox (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 706.07(1). Externisons of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee harders are provided to the date for purposes of determining the period of settlems and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened satutory period for reply originally set in the final Office action. (2) as many reduce any example patient term adjustment. See 37 CFR 1.17(d)). NOTICE OF APPEAL. 1. The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137(a)), to avoid diamissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a). The Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a). The Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a).		dancile Monilo	1755	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To a void abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidative, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.13t; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires 4_months from the mailing date of the final rejection. b) ☐ The period for reply expires 3_months from the mailing date of the final rejection. Examiner Note: I fox 1 is checked, check elither box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRAL REJECTION. See MPEP 706.3(7). Examiner Note: I fox 1 is checked, check elither box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 706.3(7). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hander 37 CFR 1.136(a) and the appropriate extension fee hander 37 CFR 1.136(a) in the mail of the appropriate extension fee hander 37 CFR 1.136(a) in the mail of the appeal extension fee hander 37 CFR 1.136(a). The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137(a)), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set right in 37 CFR 4.137(a), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply m	The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence add	ress
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods: a) The period for reply expires £ months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above. If checked: Any reply received by the Office later than three months after the mailing date of the final rejection, even if smelly filed. NOTICE OF APPEAL. 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 1.137(n), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 1.137(n). 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issues of new will be entered the proposed amendment (b) filed after a final rejection, but fi	THE REPLY FILED 11 April 2008 FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR A	LLOWANCE.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be a status or period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if simply filed, may reduce any earned patent term adjustment. See 37 CFR 1.1704(b). CNITCE OF APPEAL. Control of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 (a), to avoid disminissal of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37(e)), to avoid disminissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) have raise new issues that would require further consideration and/or search (see NOTE below); (b) have raise new issues that would require further consideration and/or search (see NOTE below); (c) have raise the issue of new matter (see NOTE below); (d) have raise the issue of new matter (see NOTE below); (e)	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailling date of the final rejection. Examiner Note: If box 1s checked, check leither box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(i). Extensions of time may be obtained under 37 CPR 1.135(a). The date on which the petition under 37 CPR 1.135(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CPR 1.17(a) is calculated from: (1) the expiration date of the shortened statulory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any exame dypatent term adjustment. See 37 CPR 1.70(a). Solid The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AMENDMENTS AMENDMENTS (a)				
Examiner Note: If box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINIA REJECTION. See MPEP 705.07 (f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of vehanison and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set fort in (a) show; if checked, A vy reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patient term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL I The Notice of Appeal was filled on A brief in compliance with 37 CFR 41.37 (w), to avoid dismissal of the date of filling the Notice of Appeal ans been filed, any reply must be filled within the time period set forth in 37 CFR 41.37(a). MENDMENTS The proposed amendment(s) filled after a final rejection, but prior to the date of filling a brief, will not be entered because (a) have raise new issues that would require further consideration and/or search (see NOTE below); (b) here raise the issue of new matter (see NOTE below); (c) here raise the issue of new matter (see NOTE below); (d) here present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). A here an endmental are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): Explanation of a present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). A				
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if smery flexing set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if smery flexing set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if smery flexing that the control of the case	Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE		
2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see NOTE below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	Extensions of firm may be obtained under 37 CFR 1.136(a). The date have been filled is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	on which the petition under 37 CFR 1.1 ension and the corresponding amount hortened statutory period for reply origi than three months after the mailing dal	of the fee. The appropria inally set in the final Office	ate extension fee e action; or (2) as
Filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MMENDMENTS				
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)) 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324), applicant's reply has overcome the following rejection(s):	filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	
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(b) They raise the issue of new matter (see NOTE below); (c) may are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See 37 CFR 1.116 and 41.33(a)).				cause
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(d) They present additional claims without canceling a corresponding number of finalty rejected claims. NOTE:	(c) They are not deemed to place the application in bett		ducing or simplifying t	ne issues for
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): ☐ Newly proposed or amended claim(s) — would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). ☐ The structure of the non-allowable claim(s) is (or will be a solid provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: ☐ Claim(s) objected to: ☐ Claim(s) withdrawn from consideration: ☐ AFFIDAVIT OR OTHER EVIDENCE 8. ☑ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e) 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons with it is necessary and was not earlier presented. See 37 CFR 1.116(e) 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REOUEST FOR RECONSIDERATION/OTHER 11. ② The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)		corresponding number of finally reje	ected claims.	
5.	NOTE: (See 37 CFR 1.116 and 41.33(a)).			
6.	 The amendments are not in compliance with 37 CFR 1.12 	1. See attached Notice of Non-Co	mpliant Amendment (I	PTOL-324).
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) objected to: Claim(s) opiceded to: Claim(s	 Applicant's reply has overcome the following rejection(s): 			
how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☑ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e) 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons with it is necessary and was not earlier presented. See 37 CFR 1.116(e) 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). (Roy King/		owable if submitted in a separate,	timely filed amendmer	nt canceling the
Claim(s) rejected:	how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		ll be entered and an e.	xplanation of
Claim(s) withdrawn from consideration:				
AFFIDANT OR OTHER EVIDENCE 8.				
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.114(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 4.13(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Not be the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) Roy King/				
entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons wity it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. Styr the request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Not be taked Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 13. Other:	because applicant failed to provide a showing of good and			
REQUEST FOR RECONSIDERATION/OTHER 11. So The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. Other. Roy King/ /J. M./	entered because the affidavit or other evidence failed to o	vercome <u>all</u> rejections under appea	al and/or appellant fail:	s to provide a
See Continuation Sheet.		n of the status of the claims after e	ntry is below or attach	ed.
13.		does NOT place the application in	condition for allowan	ce because:
70.113		PTO/SB/08) Paper No(s)		

Confinuation of 11, does NOT place the application in condition for allowance because: Applicant's argument that the present invention is allowable over the prior at of fecord because Masahashi is drawn to independ forging at a low distortion speed while the instant invention is drawn to high speed plastic working has not been found clearly persuasive. The examiner maintains that applicant has not shown that the thermomenchanical process of working and heat treating taught by Masahashi is materially different than the claimed process of heating and working (the examiner notes that high-speed plastic working is not defined by a minimum strain rate or working appead in the original specification. Further, it is unclear the strain rate taught typical by Masahashi at examples, etc., is clearly outside the scope of said 'high-speed' plastic working of the invention).

Applicant's argument that the present invention is allowable over the prior art of record because the materials used by Masahashi cannot be transformed at high speeds and would be cracked, has not been found persuasive. Applicant has not shown specific (AND timely filed) evidence that a high speed working process performed on the allow product taught by Masahashi would result in cracking.